

**Before the
Federal Communication Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Notice of Inquiry Concerning a Review of the)	
Equal Access and Nondiscrimination)	CC Docket No. 02-39
Obligations Applicable to Local Exchange)	
Carriers)	

**Comments Of:
Fred Williamson and Associates, Inc. ("FW&A")
On behalf of:**

**Chouteau Telephone Company, an Oklahoma ILEC
H&B Telephone Communications, Inc., a Kansas ILEC
Moundridge Telephone Company, Inc., a Kansas ILEC
Pine Telephone Company, Inc., an Oklahoma ILEC
Pioneer Telephone Association, Inc., a Kansas ILEC
Totah Telephone Company, Inc., a Kansas and Oklahoma ILEC
Twin Valley Telephone, Inc., a Kansas ILEC
(Collectively, "ILECs")**

BACKGROUND

In this proceeding, the Commission seeks comment on the equal access and nondiscrimination obligations of the (BOCs) Bell Operating Companies (with and without section 271 authority), incumbent independent local exchange carriers (ILECs) and competitive LECs (CLECs). The Commission seeks this input in light of the many legal and market changes that have transpired since the requirements were adopted. The Commission's goals are:

- To facilitate an environment that will be conducive to competition, deregulation and innovation.
- To establish a modern equal access and nondiscrimination regulatory regime that will benefit consumers.
- To harmonize the requirements of similarly situated carriers, as much as possible.

The objective of the equal access requirements is to insure that consumers are able to select the interexchange carrier of their choice on a one-plus dialed basis and to insure that the BOCs do not discriminate in favor of their affiliates or merger partners and provide inferior interconnection to competitive interexchange carriers.

COMMENTS

FW&A and the ILECs it represents will limit their comments in this proceeding to revisions to the equal access and nondiscrimination rules that are necessary to harmonize the requirements of all similarly situated carriers operating on an intramodal or intermodal basis. Currently, CLECs and wireless carriers have no equal access and

nondiscrimination obligations. These carriers are free to discriminate in favor of affiliated interexchange carriers or their merger partners. The inability of end-users connected to the networks of CLECs and wireless carriers to freely select the interexchange carrier of their choice on a one-plus basis (and without an inferior connection), is at odds with a competitive market, hinders interexchange competition and results in anticompetitive discrimination by the CLEC or wireless carrier. IXC's that cannot be selected by CLEC and wireless end-users are placed at a competitive disadvantage. In a similar vein, ILECs that have expended the costs to provide equal access are placed at a competitive disadvantage because of the dissimilar requirements that they must face versus those faced by their competitors (the CLECs and wireless providers). Competition should benefit consumers and allow choice and hopefully lower prices. The Commission can promote competitive choice for users of interexchange services, irrespective of the technology used or the provider of service, by revising its equal access rules to apply them equally to all local exchange service providers – ILECs, BOCs, CLECs and wireless providers.

If the Commission does not decide to broadly revise its equal access rules to require CLECs and wireless providers to meet this consumer obligation, then at the very least, it should revise its universal service rules to require that all Eligible Telecommunications Carriers (ETCs) meet the equal access and nondiscrimination obligations. It is grossly unfair, discriminatory and anticompetitive, both to incumbent ILECs, ETCs and consumers to allow CLECs and wireless ETCs to avoid this competitive requirement, while at the same time allowing them to receive universal service funding for inferior service.

Respectfully submitted on behalf of the ILECs by,

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